

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, May 22, 2003

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, May 22, 2003, at 3:00 p.m., at Police Headquarters, 1300 Beaubien – Rm. 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Megan Norris
Willie E. Hampton **(ABS)**
Arthur Blackwell, II
Erminia Ramirez
Edgar L. Vann, Jr.

Department Personnel Present

Chief Jerry A. Oliver, Sr.
AC Walter E. Shoulders
AC Timothy Black
DC Brenda Goss-Andrews
DC Bryan Turnbull
DC Ronald Haddad
Insp. Lance Williams
Insp. Jamie Fields
Lt. Steve Carlin
Lt. Fred Saffold
Sgt. Kenny Williams
Sgt. Norma Kendrick
Sgt. Shirley Berger
Sgt. Debbie Jackson
PO Tish Ross
PO Eric Jarmon
PO Alecia Smith
PO Irvette Reed
3rd DC Tara Dunlap
3rd DC Pamela Evans

Board Staff Present

Dante' L. Goss, Executive Director
Denise R. Hooks, Attorney/Supv. Investigator
Arnold Sheard, Interim Chief Investigator
Elign Murphy, Sergeant
E. Lynise Bryant-Weekes, Personnel Director

RECORDERS

Jerome Adams
Kellie Williams

OTHERS PRESENT

Ms. Walters
Mike Payne, WWJ 950
DPOA Atty. John Goldpaugh
Phillip Cracchiolo
Rick Jones
Ron Scott

1. CALL TO ORDER

Chairperson Norris called the regular meeting of the Detroit Board of Police Commissioners to order at 3:15 p.m.

2. APPROVAL OF MINUTES

Chairperson Norris stated that the Minutes for Thursday, May 15, 2003 would be tabled until the next Board meeting.

3. REPORT FROM THE CHAIR

None.

4. SECRETARY REPORT – EX. DIR. GOSS

Office Closing

The Board of Police Commissioners Office and the Office of the Chief Investigator will be closed on Monday, May 26, 2003, in observance of Memorial Day. Regular office hours will resume on Tuesday, May 27, 2003.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
Weekly Count of Complaints:	23	400
Weekly Count of Allegations:	41	722
Arrest	2	28
Demeanor	14	240

Entry	2	9
Force	2	61
Harassment	1	31
Procedure	12	226
Property	0	38
Search	4	30
Service	4	57

Pending Cases

As of May 7, 2003, the Office of the Chief Investigator (OCI) has a total of **400 pending cases**, which include **129 cases** with an age of 0-45 days, **50 cases** with an age of 46-60 days, **102 cases** with an age of 61-90 days, and **94 cases** with an age of 91-120 days, and **25 cases** with an age of 121 days – 6 months.

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During the past week:	21	Year to Date:	405
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5. CHIEF'S REPORT

DETROIT POLICE DEPARTMENT **MIND'N OUR BUSINESS**

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of May 14-20, 2003:

ORGANIZED CRIME & GANGS DIVISION

The Conspiracy Intelligence, North-West and Vice Sections conducted nine enforcement actions that resulted in (6) felony, (3) misdemeanor arrests. These enforcement actions reflected in the confiscation of 818.9 grams of cocaine, 29.1 grams of heroin, 31,225 grams of marijuana and 2,200 pills with a street value of \$526,840.00. \$3,117,790.00 in U.S. currency, (9) miscellaneous ordinances were issued, (2) handguns and (8) vehicles were confiscated.

SIXTH PRECINCT

On May 16, 2003, officers of the 6th Precinct received a police run to the 21000 block of Lyndon on an "Assault & Battery Shots Fired." Upon arrival at the location the officers observed spent shotgun shell casings on the ground. The investigation resulted in one female arrested for "Armed With Intent To Commit Murder, Felon in Possession of a Firearm, Felony Firearm, Habitual 2nd," and the confiscation of a 12-gauge shotgun.

THIRTEENTH PRECINCT

On May 20, 2003, a female citizen flagged down officers of the 13th Precinct in the area of Woodward and Virginia Park. She stated an unknown male attempted to rob her. The officers checked the area for the subject. As a result of their investigation, the wanted subject was arrested for "Robbery Not Armed/Parole Violation."

SPECIAL RESPONSE TEAM

During the above period, officers of the Special Response Team participated in Police Week in the 2nd and 3rd Precincts' schools and youth centers. They provided demonstrations, discussed career opportunities in policing, and provided youth mentoring.

Chief of Police Jerry A. Oliver, Sr.

6. PRESENTATION – PROMOTIONS

Chief Oliver stated I think there was some confusion about what the presentation was about today. If we were talking about promotions, it would have to deal with the sergeants, lieutenants and the officers. Clearly, that is still tied up in negotiations and the arbitrator has not ruled and all of that is still kind of up in the air. We would like to promote and I would love to be here telling you about the list of people that we would like to promote.

Chairperson Norris asked could you tell us without disclosing anything that you are not allowed to disclose, about the status of what all of that is? My last understanding was the Department had proposed promoting all except certain limited people on the list. The Union had opposed any deviation from the full list. The court had said you can't deviate from the full list and so the Department said that we wouldn't put up any names right now. What has happened since then, if anything?

Chief Oliver stated actually not a lot has happened, but we are in the process of

talking about the whole issue about what is going on with the motions and what is tied up with LSA and DPOA. He asked DC Evans if she could talk about where we are at today in regards to promotions.

DC Evans stated there is not a whole lot that we could publicly speak about in regards to promotions for a lot of different reasons, which I am sure you will respect. The Department has been making great efforts to get some forward movement on promotions. There hasn't been a day or a week that has gone by, that we haven't in some way come to some There has been talk with both unions and there has been a lot of other activity and we hope to be able to have something that we will be able to speak about publicly on the issue of promotions in the next 30-45 days or so.

Chairperson Norris stated we are not in any kind of active litigation right now, we have withdrawn our list and so we are negotiating. I am correct?

DC Evans stated the only litigation action that is in process right now, is DPOA and the LSA have filed an unfair labor practice that is tangential related to the issue of promotions and it more relates to a meeting that the Chief had with members who were not promoted as a result by a decision that was made by the Department. That litigation is ongoing and we have a hearing before the MERC Umpire at the end of June.

Chairperson Norris asked that would not resolve the...

Chief Oliver stated no.

DC Evans stated no that would resolve the issue. In terms of litigation, to actually move us forward in terms of who's going to be promoted when, how, there is nothing pending in that way, but there are some diplomatic efforts that are being deployed in order to resolve that.

Comm. Vann asked what do we do with this abyss in the middle of the Department, this has been going on since October? What are we going to do with this gulf and this gap that exist in terms of leadership in such stressful times when the Department seems to be extremely maligned in a state of upheaval, to say the least. And with the many investigations that are going on, what are we going to do? Because people will began to wonder what's going on, who is in charge and why is there such a gridlock as it relates to supervisory leadership in the Department, that is the issue as we stand today. I wish you would have brought the list and brought whom you brought and we could knock it up or down, that is what our bailiwick is.

I am more concerned at this point, after such a passage of time, I am concerned about the gulf and the holes that we are putting in the chain of command and the lack of morale among police officers because they are still ticked off because

they are not being promoted. And then you just have holes in different places. I am just concerned about our operations and what is happening to our operations.

Chief Oliver stated for us to move ahead that would require the Chief to come forward and make a recommendation that all 80-90 people would be promoted.

Chairperson Norris stated because the court wouldn't let you bring anything shorter than that.

Chief Oliver stated the court will not allow me to bring anything short of a full list of people to you. I cannot in good conscious recommend those ten or eleven people that we deem to be a serious problem in terms of either their background or their ability to accept the position.

DC Evans stated that there are ten people now.

Chief Oliver stated It would be worse...Many times around this table we have talked about litigation and stopping the bleeding in terms of the kinds of problems that some of our employees create. I believe that a fraction of these employees would be liabilities for years to come. I am willing tonight to promote the large majority of those that deserve promoted and we need them desperately on the streets. Because the position that we found ourselves in, I can't see going on record and promoting those people.

Chairperson Norris asked how far down the list do you go before you hit the first one?

DC Evans stated there is no opportunity to promote at all.

Chairperson Norris asked is that what you are telling me is the top problem?

DC Evans stated yes, at the top of the list are some of the...

Chairperson Norris stated because otherwise we could do twenty?

Chief Oliver stated yes.

DC Evans stated we've considered that option as well.

Chief Oliver stated we have spent great deal of time trying to think this through and try to work out deals. We have even said at times we will be willing to set those aside to litigate the individuals that we are unhappy with and promote everybody else and that was unacceptable. What's been said is, the line is drawn either you promote all of these people or you don't promote anybody. This is part of the investigation that is going on right now. I think that in the next 30-45

days a decision would ultimately have to be made, we will have to live with that decision.

Comm. Vann asked where could we be in 45 days?

Chief Oliver stated it is getting worse.

DC Evans stated we as the team that are trying to work through this, Dir. Weekes, the Chief and some other folks in the Law Department, we wear the weight of that responsibility every day and every time we meet and we discuss this problem. We have tried a number of what we thought to be very creative, very generous offers and negotiations, we have not been able to prevail, but we are hopeful that we will be able to prevail soon. Our hope is that the other side will also begin to wear some of that weight of that responsibility to the officers as well and try to meet us somewhere along the way. We are well beyond asking them to meet us half way. We've have come more than halfway and we have came very very far in negotiations.

7. DISCIPLINARY APPEALS- APPEALS SUBCOMMITTEE

Chairperson Norris stated my understanding is that we have a case of **BPC 01-004D, Police Officer Miguel Bruce**.

Atty. Ninowski stated in the interest of fairness the Department would like to respectfully request that the case against Officer Bruce be dismissed.

Chairperson Norris stated and now we have **BPC 02-009D, Police Officer Kelvin Davis**.

DPOA Atty. Goldpaugh stated on behalf of the officer and without any rejection from Atty. Ninowski, I understand that we will be withdrawing oral argument on behalf of Officer Davis.

Chairperson Norris stated the Subcommittee and the Commission will take that under advisement and we will be rendering our decision, but we won't have argument.

8. OTHER BUSINESS

9. ORAL COMMUNICATION FROM THE AUDIENCE

Mr. Craccioholio stated, as you know the Coalition is has been very anxious to get the revelation of the Shoulders' Report. Just recently there was an article in the paper that a Judge Rosen had looked over the whole report and he had some bad comments about everybody that was concerned with this. One of his conclusions was that the shootings that Eugene Brown was responsible for were not justified. He asked is Eugene Brown still on the force?

Chairperson Norris stated yes.

Mr. Craccioholio stated I would like to give a comparison between Eugene Brown and DC Gary Brown, who was recently fired by the Mayor...

Comm. Blackwell, II stated unappointed.

Mr. Craccioholio stated he is no longer an officer.

Chairperson Norris stated he is not here any more.

Mr. Craccioholio stated on the Fifth Amendment that has equal protection for people who are in.... It seems ironic that Brown was disposed for something that he thought was his duty and gets dispose and then you have Eugene Brown's who the Department says his actions are unjustified is still on the force? He asked How do justify this? Is any action going to be taken against Eugene Brown? What is the next step? What are they going to do now?

Chairperson Norris stated we talked about Judge Rosen's report at the time it was issued, I don't think that we are going to repeat all of that discussion today, but we all had various opinions and takes on it. We are still attempting to get copies of the Shoulders' Report and we really can't comment on what was found in that report, because we have never seen it. We are becoming a shrinking minority to have never seen it, but we have never seen it. It is ironic that we spend a lot of our time on folks name Brown, but the equal protection clause does not require that you treat all people with the same last name the same. I think these are apples and oranges issues. Officer Brown is still has some litigation on his promotional issue, pending against the Department. He still has not been promoted. There was a settlement proposal that was rejected by City Council and I don't think that there is much more that the can do, other than monitor his assignments.

Mr. Craccioholio asked what about criminal charges? If the judge rules that his killings were unjustified.

Chairperson Norris stated the judge did not rule anything like that.

Mr. Craccioholio stated that was his words unjustified.

Chairperson Norris stated no, the judge was reading the Shoulders' Report and making comments on the Shoulders' Report. The justification or lack of justification of Officer Brown's actions was not at issue in that lawsuit. It wasn't a criminal trial where the judge was making...

Mr. Craccioholio stated I am calling g on his comments on the report. By reading the Shoulders' Report he concluded that the shootings by Eugene Brown were not justified, that is what is statement was.

Chairperson Norris stated I don't know if the paper said that, that was not Judge Rosen's actually opinion said. Judge Rosen's actually opinion stated the Shoulders' Report has concluded and something's and not others.

Mr. Craccioholio stated I am sorry that I have to differ with you, but that was a quote from the reporter.

Chairperson Norris stated I am not disagreeing with whatever you say the reporter said, but I have read Judge Rosen's actual opinion and that's not what Judge Rosen...Reading judges opinions is something that I am more comfortable with than some of these other things that we have been discussing.

Comm. Blackwell, II stated I am more comfortable with reading statements from the paper, I kind of feel those things.

DC Evans stated I did read Judge Rosen's actual opinion and Judge Rosen made no conclusions as to whether the shootings were justified or not justified, that was not what the case was before him to decide. The federal case has been dismissed. The City Council's litigation to get the Shoulders' Report, they lost the opportunity to get that in the State Court. The only thing pending at this point is that, Eugene Brown's state case/issues against the Department are still pending.

Chairperson Norris asked are those still on appeal?

DC Evans stated yes, those are on appeal and still pending. All the litigation has been either dismissed or disposed of and obviously not precluding some other litigation that may arise.

Ms. Walters stated communication is very important and we need to make sure people in the community are able to read material that is being given to them.

10. ANNOUNCEMENT OF NEXT MEETING

Thursday, May 22, 2003 @ 3:00 p.m.
Police Headquarters – Rm. 328-A
1300 Beaubien
Detroit, Michigan 48226

11. ADJOURNMENT

Meeting was adjourned at 4:15 p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw

Vice Chairperson Head stated the following Standing Committees will be Chaired and Co-Chaired by the following Commissioners:

Citizens Complaints

Disciplinary Appeals

Promotional Appeals

Budget

Legal Affairs

Labor Relations

Personnel & Training

Vice Chairperson Head stated the Special Committees will be Ad Hoc. They are Residency, Building & Construction, Standardization of Discipline and the Labor Negotiations will be assigned as needed.